

November 1, 2005

Federal Election Commission  
C/O: Mr. Jordan  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2005 NOV -7 A 10:05

RE: MUR 5597; Third Congressional District, Tennessee

Dear Mr. Jordan:

Allegation 1: Yes, the pre-primary report was late, just as we told the media and the FEC when asked. At the time, Mr. Wamp was not my opponent and in no way was affected by my being two days late. I understand, through the FEC pamphlets that I regularly receive, that there is something called the "electoral sensitivity doctrine" that the FEC uses to measure the effect and thus the punishment for an alleged violation. Here we have a small violation months before the general election by a campaign that is outfunded 12 to 1 by the complainant; no pre-election polling indicated that the race was ever close, and the media throughout the Third Congressional District largely ignored the campaign, assuming Wamp was a shoo-in. Since he ended up with about 65% of the vote, the pundits were right. In fact, the outcome was so taken for granted that no polling was done by Knoxville or Chattanooga newspapers, who regular poll races and publish the results.

So a two day delay in filing a pre-primary report that did not even involve the well financed incumbent had no effect on the election or even on the incumbent's perception of what actions he might then (it was July 28) need to take to get reelected. Even the complaint lacks any allegation that Mr. Wamp's campaign was injured in any way.

Allegation 2: Yes, we have had a show since January 12, 2002. It discusses local, state, and national issues, and it also focuses on foreign policy from time to time. Contrary to the complaint, Mr. Wamp is not the focus of the show. The show goes on, as our listeners of October 29, 2005 gladly know.

McGahan alleges that I offered, on August 3, 2004 to match funds that callers would contribute to my campaign. I'd like to hear his tape of this show, if he has one.

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Has he produced one to the FEC? No, because August 3, 2004 was a Tuesday, and the show is on Saturday.

McGahan next states that on August 16, 2003. (one year in advance on the primary), I was urging voters to vote for me in the "August 5" primary. Again, where's the tape? I was not a declared candidate on August 16, 2003; and if McGahan meant August 16, 2004, then the 2004 primary had, by the latter date, passed. Challenging Wamp to a debate on August 16, 2003 would have been unusual, so I'd like to hear the audio tape of that one as well. Also, August 16, 2004 was a Monday. The show is only on Saturday. Furthermore, I did not file my petition to run the 2004 race until late March of 2004, as the Hamilton County Election Commission may attest (423-209-7720).

Mr. McGahan is a lawyer who is making these allegations under oath, even though there is no mention that he, the affiant, has personal knowledge of the facts he is alleging. Where are the tapes to back up the allegations? Then McGahan states that on April 10, 2004, I criticized the FEC and did not state the disclaimer correctly and did not state who paid for the show. I believe that he should support this allegation by providing tapes of the show. In 2002, McGahan complained to the FEC and sent tapes; however, I didn't receive those tapes from the FEC. I wonder why he's not using them this year.

On his last page, McGahan states that, "Last election, Wolfe failed to report at all". That statement is utterly false, and he and the FEC know it. Then he says that 2004's reporting is deficient, and that I have not complied with reporting requirements. Again, how is it deficient? In what particulars, other than the 48 hour lapse I readily acknowledged back in July of last year. Is he saying that the money spent on the radio show after becoming a candidate in 2004 was not reported to the FEC? No, he's trying to imply it, but if the implication were true, you can bet that he would have attached Quarterly Reports of Expenditure showing I never mentioned WGOW 102.3 FM as a payee. Again, the omission is telling. If such documents existed, he would have enclosed them. They don't and he didn't.

Sincerely,

*John Wolfe, Jr.*  
2005 / NVMBR 01  
John M. Wolfe, Jr.

TUESDAY, PM

27044154703

ORIGINAL DOCUMENT  
PHOTOCOPY CANNOT  
BE ACCEPTED

MUR 5597

STATE OF TENNESSEE  
CANDIDATE NOMINATING PETITION  
Select Type of Petition
☒ Primary Candidate  
☐ Independent Candidate  
☐ Municipal Candidate
We the undersigned registered voters in the city of \_\_\_\_\_, in the county of \_\_\_\_\_  
(for municipal elections)

Hamilton, State of Tennessee, and members of the Democrat Party, hereby nominate

John M. Wolfe, Jr.  
(name)Chatta. 37415 as a candidate  
(address)for the office of U.S. Congress 3rd District to be voted on in the election  
(office) (division, part or district number)which will be held on the 5th day of August, 2004. We request that his/her name be printed  
on the official ballotThis petition was issued by Charlotte Mullin March 19, 2004  
(signature of election official) (date)

## \*\* TO BE COMPLETED BY THE CANDIDATE \*\*

I hereby direct that my name appear on the official ballot as follows, and I declare, under penalty of perjury, that the information provided over my signature is true and correct:

John Wolfe  
PRINT NAMEChatta TN 37415  
(residential address of candidate) (zip code) (residential phone)707 GEORGIA AVE Ste 201, Chatta TN 37402 266-8400  
(business address of candidate) (zip code) (business phone)CANDIDATE'S SIGNATURE John Wolfe  
(Required Under TCA 2-5-102)

T.C.A. 2-19-109 provides that a person who knowingly makes any false entry on an election document commits a class E felony.

## FOR JUDICIAL CANDIDATES ONLY:

By my signature, I hereby certify that I am licensed to practice law in this state.

(signature of candidate)

SUPREME COURT REGISTRATION NO.

## NOMINATING SIGNATURES

(must be registered voters who are eligible to vote to fill this office)

(Cannot sign for another - no ditto\*\* marks)

(Address as listed on registration - No P.O. Boxes)

✓ Sign here Robert F. Teague Jr.  
Print here Robert F. Teague Jr.Street address 968 Windsor Dr.  
City/county/state/zN/A Sign here Lois Mass  
Print here Lois MassStreet address Attention:  
City/county/state/z Don Campbell✓ Sign here Susan Olson  
Print here SUSAN OLSONStreet address 202-694-1650  
City/county/state/zN/A Sign here Ralph R. Armstrong  
Print here Ralph R. ArmstrongStreet address JEC  
City/county/state/z 737✓ Sign here Katie Bond  
Print here Katie BondStreet address 202-219-3923  
City/county/state/zN/A Sign here Tiffany Johns  
Print here Tiffany JohnsStreet address  
City/county/state/z total pages faxed

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2006 AUG 29 1:13

FEC  
OFFICE  
COUNTY  
CLERK